

REMARKS

Claims 64 to 74 and 84 to 93 are pending in the application.¹ Claims 64, 84 and 94 are independent. Favorable reconsideration and further examination are respectfully requested

Initially, we thank the Examiner for the indication that claims 65, 69, 71 to 74, 78 and 79 are allowable. In view of this indication, we have added new claim 94, which is a combination of unamended independent claim 64 and allowable dependent claim 73. We note, however, claim 94 reads "the microswitches or microrelays being *actuatable* to configure the passive structural elements". This is a change from unamended claim 64, which read "the microswitches or microrelays being *actuated* to configure the passive structural elements". Furthermore, the last clause of unamended claim 73 read as follows:

a pointer stage to associate the configuration memory with the value of the at least one functional parameter.

In claim 94, for clarification, we have amended that clause as follows:

a pointer stage to associate the set value of the at least one functional parameter with a switching matrix stored in the configuration memory.

These changes are not believed to affect the allowability of claim 94. Accordingly, claim 94 is believed to be patentable.

Turning to the art rejections, the non-allowable claims were rejected over U.S. Patent No. 6,091,765 (Pietzold) in view of DE3010707 (Kautmann). We have amended the claims, as shown above, to define even further over the applied art.

¹ The Examiner is urged to independently confirm this recitation of the pending claims.

In particular, claim 64 now includes a switch-over and adapter stage electrically connected to an antenna and configured to enable the transmitter stage and the receiver stage to communicate via the antenna, and passive structural elements in the transmitter stage, the receiver stage, and the switch-over and adapter stage. Microswitches or microrelays are associated with the passive structural elements, which are actuatable to configure the passive structural elements to produce at least one functional parameter. The at least one functional parameter comprises a frequency characteristic. Passive structural elements in the transmitter stage, the receiver stage, and the switch-over and adapter stage are integrated on a common substrate. The applied art is not understood to disclose or to suggest at least these features.

As was the case before, the Office Action equates item 150 of Pietzold's Fig. 6 to the receiver of claim 64, item 152 to the transmitter of claim 64, and item 24 to the switch-over and adapter stage of claim 64. As explained in Pietzold, however,

The IF subsystem 24 is coupled to the radio frequency subsystem 12 and is configured to provide modulated IF signals to a transmitter, or to receive RF signals to be demodulated.²

The IF ASIC 24 can be programmed to be configured to provide the demodulation function for multi bit digital signals in the receive mode, the modulation function in the transmit mode, and to provide multi bit digital signal baseband signal processing.³

To this end, the IF subsystem 24 includes:

[A] front end portion 134 [including] a plurality of circuits, responsive to digital commands, that can be selected and interconnected, along setting operating parameters, as a configured multi bit digital IF modulator and signal processing circuit 152 for use in the transmit mode of operation, and as a configured multi bit digital IF demodulator circuit and signal processing circuit 150 for use in the receive mode of operation.⁴

² Col. 6, lines 19 to 22

³ Col. 7, lines 15 to 20

⁴ Col. 9, lines 8 to 15

Thus, the alleged counterpart to claim 1's switch-over and adapter stage, namely Pietzold's IF subsystem 24, is not electrically connected to an antenna and configured to enable a transmitter stage and a receiver stage to communicate via the antenna. Rather, as explained above, Pietzold's IF subsystem 24 is used to perform modulation and demodulation. As further explained in Pietzold, IF subsystem 24 is used not used in connection with mobile phone.

Kautmann was cited for its alleged disclosure of configuring passive structural elements. However, even if the LC (inductive/capacitive) elements of Kautmann were combined with Pietzold in the manner suggested in the Office Action, the resulting hypothetical combination would still fail to disclose or to suggest a switch-over and adapter stage electrically connected to an antenna, configured to enable a transmitter stage and a receiver stage to communicate via the antenna, and including passive structural elements that are actuable to affect at least one at least one functional parameter. Furthermore, we note that Kautmann discloses only signal reception and not a switch-over and adapter stage, as claimed.

Claim 64 also recites that the passive structural elements in the transmitter stage, the receiver stage, and the switch-over and adapter stage are integrated on a common substrate. As explained in the specification, this feature can be advantageous since it reduces the size of the mobile phone. In Pietzold, IF subsystem 24 is implemented on an ASIC; however, as explained above, IF subsystem 24 does not correspond to the claimed switch-over and adapter stage, much less a combination of that with the receiver stage and transmitter stage. Accordingly, Pietzold is not understood to disclose or to suggest this feature of claim 64.

For at least the foregoing reasons, claim 64, and the claims that depend therefrom, are believed to be patentable.

New independent claim 84 includes a duplexer configured to enable signal transmission and reception via a common antenna. The duplexer comprises passive structural elements and microswitches or microrelays associated with the passive structural elements. The microswitches or microrelays are actuable to configure the passive structural elements to affect a frequency characteristic associated with at least one of signal transmission and reception. The duplexer is integrated on a common ceramic substrate along with other components of the mobile phone. Claim 84 is also believed to be patentable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The undersigned attorney can be reached at the address shown below. Telephone calls regarding this application should be directed to 617-521-7896.

Please apply any fees due, including extension fees, to Deposit Account No. 06-1050 referencing Attorney Docket No. 12758-025001.

CHANGE OF ATTORNEY DOCKET NUMBER.

Please note that that attorney docket number for this case has changed to 21567-011US1.

Respectfully submitted,

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